

REVISED PROPOSED TEXT

**Department of Food & Agriculture
TITLE 3. CALIFORNIA CODE OF REGULATIONS
SECTIONS 2303, 2309, AND 2311**

Underline means proposed text

Amend Section 2303 to read:

2303. Labeling Requirements.

(cont'd)

(r) The manufacturer of any base fertilizing material ingredient that claims iron, manganese, zinc or phosphates shall provide a guarantee statement that the product does not exceed standards established for arsenic, cadmium and lead.

1. For purposes of the labeling guarantee, base fertilizing material ingredient shall be defined as phosphate, zinc, manganese, or iron products utilized singly or as material ingredient in blended or formulated fertilizing material products. Examples of such base fertilizing material ingredients include, but are not limited to, phosphoric acid, monoammonium phosphate, diammonium phosphate, ~~36%~~ zinc oxide, zinc sulfate, zinc from galvanizer skimmings, zinc from electric arc furnace dust, metallic zinc, refined zinc from the copper pickling process, zinc from circuit board recycling, 42% iron II & III product oxide, iron ore deposits, iron from recycling of bailing wire, rust or photographic operations, and 7% manganese oxide product.

2. The guarantee statement shall report in parts per million the maximum total concentration of arsenic, cadmium and lead in the base fertilizing material ingredient.

(s) ~~Labels and~~ Ppackaged product labels for commercial fertilizer and agricultural mineral products, with the exception of gypsum, liming materials, manure, wood or coal fly ash ~~and~~, sewage sludge, composted products, potting soils, potting mix, blood meal, bone meal, feather meal, kelp meal or seaweed, cottonseed meal, fish meal, sphagnum moss and seed mix

shall include either an informational statement of laboratory test results or provide an informational statement providing the maximum levels in parts per million of arsenic, cadmium, cobalt, copper, lead, mercury, molybdenum, nickel and selenium. In lieu of a statement on the label, the information may be provided by either of the following statements:

“Information regarding the contents and levels of metals in this product is available by calling 1-800-XXX-XXXX.”

Or

“Information regarding the contents and levels of metals in this product is available on the Internet at <http://www.regulatory-info-xx.com>.” Each registrant must substitute a unique alphanumeric identifier for “xx”. This statement may be used only if the licensee establishes and maintains the Internet site; there is a clearly visible, direct hyperlink to a government web site; and, the Internet site contains no advertising or company-specific information. A government web site internet address on the label is an acceptable alternative to a web site established and maintained by the licensee.

(cont’d)

Authority: Sections 407, 14502, and 14631 of the Food and Agricultural Code.
Reference: Section 14631 of the Food and Agricultural Code.

Amend Section 2309 to read:

2309. Phosphorus Materials.

(a) Products that contain phosphorous acid shall state on the label the percentage of “Total phosphoric acid”, upon conversion of phosphorous acid.

Total phosphoric acid (P₂O₅)..... %

In addition the label shall state the following:

(1) Phosphorous acid products are for use as a supplemental fertilizer treatment.

(2) Upon foliar application, the phosphite ions are taken up directly by the plant foliage and may undergo a degree of conversion to phosphate ions, or will be used directly by plants, as phosphite ions.

(3) As a soil application to annual crops, a lesser response from the initial crop, with a corresponding superior response from succeeding crops, may be observed. In addition, placement close to seeds or root zones may be injurious to crops. The effect may be aggravated by a soil pH below 6.5.

(b) Products that contain Phosphoric acid shall state on the label the percentage of “Available Phosphoric Acid”. If, in addition, a percentage of “Total Phosphoric Acid” is stated, the percentage of “Insoluble Phosphoric Acid” (Citrate-Insoluble Phosphorus) must be stated immediately below, for example:

Available Phosphoric Acid (P_2O_5)..... _____ %
_____ % Total Phosphoric Acid (P_2O_5)
_____ % Insoluble Phosphoric Acid (P_2O_5)

Authority: Sections 407, 14502, and 14631 of the Food and Agricultural Code.

Reference: Section 14631 of the Food and Agricultural Code.

Amend Section 2311 to read:

(a) The label shall not state or imply that a plant nutrient or micronutrient contained in a fertilizer is released slowly over a period of time, unless such nutrients or micronutrients are identified and guaranteed.

(b) The types of slow released products recognized are:

(1) Water insoluble (N products only), such as natural organics, urea formaldehyde, isobutylidene diurea and oxamide.

(2) Coated slow release such as sulfur coated urea and other encapsulated soluble fertilizers.

(3) Products containing water soluble nitrogen such as ureaform materials, urea formaldehyde products, methylenediurea (MDU), dimethylene triurea (DMTU), dicyanodiamide (DCD).

(4) Occluded slow release, where fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles.

The terms "water insoluble", "coated slow release", "slowly available water soluble" and "occluded slow release" are accepted as descriptive of these products provided the claim is substantiated by a research study as required by section 2300(b).

(5) Products containing phosphorous acid such as potassium phosphite and ammonium phosphite which undergo a degree of conversion in plants or soils to available phosphoric acid (P_2O_5).

(c) When slowly released nutrients are less than 15 percent of each total of the guarantee for either total nitrogen (N), available phosphoric acid (P_2O_5), or soluble potash (K_2O), as appropriate, the label shall not refer to slow release of the materials.

(d) Association of Official Analytical Chemist's (AOAC) latest method shall be used to confirm the coated slow release and occluded slow release nutrients and others whose slow release characteristics depend on particle size and AOAC latest method shall be used to determine the water insoluble nitrogen of organic materials.

Authority: Sections 407, 14502 and 14631 of the Food and Agricultural Code.

Reference: Section 14631 of the Food and Agricultural Code.